

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 92, "IowaCare," Iowa Administrative Code.

This amendment removes the requirement that an applicant request the month of retroactive eligibility for IowaCare at the time of application or before the eligibility determination. Depending on how far in advance the applicant completes the application, the applicant may not be aware of the need for retroactive coverage at that time. The Department routinely approves exceptions to policy (waivers) in these circumstances. Retroactive coverage will now be available more uniformly and be provided more efficiently because eligibility does not depend on the applicant's having the knowledge and timely ability to file an exception request.

This amendment does not provide for waivers in specified situations because it removes a restriction. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on April 23, 2008, as **ARC 6723B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice.

The Council on Human Services adopted this amendment on June 11, 2008.

The Department finds that this amendment confers a benefit on applicants for IowaCare by allowing them more time to determine if they want to apply for retroactive coverage. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date of this amendment is waived.

This amendment is intended to implement Iowa Code chapter 249J.

This amendment became effective on July 1, 2008.

The following amendment is adopted.

Amend subrule 92.6(2) as follows:

92.6(2) Retroactive eligibility. IowaCare benefits shall also be available for the month preceding the month in which the application is filed ~~to applicants who meet the following conditions~~ if during that preceding month:

~~a. — The applicant makes the request for retroactive eligibility at the time of application and before the eligibility determination.~~

~~b. a. The applicant has received Medicaid expansion services from a provider within the Medicaid expansion network during the month for which retroactive eligibility is sought; and~~

~~c. b. The applicant would have been eligible for IowaCare in the month for which retroactive eligibility is sought if application had been made in that month.~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/2/08.